

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

2

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 03 34068	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/02371	International filing date (day/month/year) 21/07/1999	Priority date (day/month/year) 04/08/1998
International Patent Classification (IPC) or national classification and IPC H04B7/208		
Applicant ICO SERVICES LTD et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 02/03/2000	Date of completion of this report 20.11.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Draper, A Telephone No. +49 89 2399 8947 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/02371

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-34 as originally filed

Claims, No.:

1-32 as originally filed

Drawings, sheets:

1/9-9/9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/02371

☐ the drawings. sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 29, 30, 31, 32.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 29, 30, 31, 32 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims 1-28

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/02371

	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-28
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-28
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Section III

- 1). The scope of claims 29-32 is indeterminate. See also PCT Rule 6.2(a).

Section V

- 1). The nearest prior art is considered to be EP-A-0 658 014 (D1).
- 2). D1 discloses a satellite communications system where, if congestion occurs within a spot beam, certain classes of subscriber units are inhibited by broadcasting a parameter set of inhibited users on a broadcast channel in the beam.
- 3). Neither D1 nor any of the other available prior art suggests determining the location of a subscriber unit on the earth, informing the subscriber unit in which of a plurality of zones it lies, informing the subscriber unit which zones are congested and then having the subscriber undertake congestion-control measures if the subscriber unit determines itself to be located within a congested zone. This has the advantage that the zones in which anti-congestion measures are instigated can be smaller than the whole footprint of a beam.
- 4). Thus the subject-matter of claims 1 and 8 and their dependent claims is considered to be novel and to involve an inventive step.

Section VII

- 1). The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 2). Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Section VIII

- 1). The scope of claims 15 and 22 is unclear (Article 6 PCT) because, although these

claims ostensibly relate to a user terminal and an earth station respectively, in fact they define additionally responses of other parts of the system in such a manner that it is not clear whether these are limitations on the scope of the claim or not (example: claim 22, is so-worded that a characterising feature of the earth station appears to be that the user terminals observe congestion control measures). N.B. a similar objection applies to the corresponding statements of invention on pages 5-7 of the description. By extension the claims dependent on claims 15 and 22 are also unclear.